

EXHIBIT 35

US District Court - Delaware
Chapter 11 - W.R. Grace

FINAL - Oct. 23, 2007
William Longo, Ph.D.

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

CHAPTER 11

IN RE: W.R. GRACE & CO., et al.

Debtor,

Case No. 01-1139 (JFK)
Jointly Administered

VIDEOTAPED DEPOSITION OF

William E. Longo, Ph.D.
October 23, 2007

Duluth, Georgia

Lead: Douglas E. Cameron, Esquire

Firm: Reed Smith

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1 **indirect preparation method results in a**
2 **disaggregation or breakup of particles during**
3 **sonication?**

4 A. No.

5 **Q. Okay. So it's your opinion that the**
6 **indirect preparation does not affect or increase the**
7 **asbestos fiber counts?**

8 A. Yes and no.

9 **Q. Give me the yes and then give me the no.**

10 A. Yes, if there is loosely associated
11 asbestos fibers that normally would be counted by
12 direct as one structure but are not of the original
13 structure, meaning it is a false structure, so to
14 speak. The indirect would give you a higher count
15 than the direct.

16 But no, if it's the position that the
17 indirect is causing a positive bias in the sample,
18 such that structures that were normally an intact
19 structure and then going through the indirect process
20 has become unattached and skewing the accounts, the
21 answer is no, it doesn't happen.

22 **Q. Are you aware of any peer-reviewed**
23 **publications that conclude sample preparation -- the**
24 **indirect sample preparation does affect asbestos**
25 **fiber size and fiber counts?**

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1 A. Yes.

2 Q. Go through a couple of those here, if we
3 could.

4 (Longo Exhibit 10 was marked for
5 identification.)

6 Q. (By Mr. Cameron) Show you what's been
7 marked as Deposition Exhibit Number 10 and I will ask
8 you, are you familiar with or aware of the study by,
9 I will probably pronounce the names wrong, is it
10 Sahle and Laszlo?

11 A. Yes. I mean, I have reviewed these in the
12 past. It's probably been ten years.

13 Q. And these are scientists in Sweden; is
14 that correct?

15 A. That's correct.

16 Q. If you look at the abstract, the writers
17 found that "the indirect sample transfer technique
18 effects the fiber size distribution of different
19 materials differently." Do they not?

20 A. That's what it states.

21 Q. If you turn over to Page 30, they also
22 noted, didn't they, that there were authors who --
23 and I'm quoting -- "suggested that owing to the
24 breakup of the airborne fibers into smaller units and
25 drastic change of fiber size distribution, the use of

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1 A. That's correct.

2 Q. **Nothing else?**

3 A. For my direct examination, that's correct.

4 Q. **And have you published anything in the
5 peer-reviewed literature that discusses the effect or
6 noneffect of indirect preparation?**

7 A. No. But I have published using indirect
8 TEM data in peer-reviewed publications -- in
9 peer-review publications. And just like the
10 peer-reviewed publications that you've shown me here
11 which say indirect breaks things up, I've published
12 in a peer-reviewed journal where we use indirect prep
13 and talk about the exposures and never received any
14 criticism about the indirect prep in a peer-review
15 publication.

16 Q. **Can you point me to the articles by your
17 peers in the microscopy community that claims
18 indirect preparation did not affect asbestos fiber
19 size or fiber count or apparent concentrations?**

20 A. No. I can just point you to the
21 peer-review publications where they say we used
22 indirect preparation -- indirect asbestos
23 preparation, here's our results.

24 Q. **And your view is nobody's commented on
25 those results that you've published?**

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1 off of Monokote-3 or thermal insulation and makes a
2 determination that there's 15 percent asbestos in
3 this thermal insulation, or there's 10 percent
4 asbestos in this fireproofing that's a cementitious
5 material, nobody tries to make a determination of
6 what that air level is based on that bulk sample, and
7 nobody should try to make a determination of what the
8 air level is based on an asbestos-containing dust.

9 It's just one of the tools they use to
10 help evaluate if there is a potential problem.
11 That's what dust is and that's what bulk samples are.

12 **Q. Is it your -- you're familiar with
13 NIOSH 7400, correct?**

14 A. I am.

15 **Q. And is it your opinion that NIOSH 7400
16 Method recognizes indirect preparation for PCM
17 analysis?**

18 A. The PCM analysis is a direct preparation.

19 **Q. Are you familiar with the AHERA
20 regulations?**

21 A. That is also a direct preparation.

22 **Q. Are you familiar with the Yamate method?**

23 A. I am. That has both, direct and indirect,
24 as well as the ASTM dust method is indirect. The ISO
25 international method has an indirect dust, the EPA